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1           UNITED STATES DISTRICT COURT  
2           DISTRICT OF MASSACHUSETTS  
3           IN ADMIRALTY

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7   GREAT LAKES INSURANCE SE

8           vs.

4:20-cv-40020-DHH

9   MARTIN ANDERSSON

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14          DEPOSITION BY ZOOM OF CRAIG SETZER, a witness  
15          called on behalf of the Plaintiff, pursuant to the  
16          Rules of Civil Procedure, before Karen D. Pomeroy,  
17          Registered Diplomate Reporter and Notary Public in  
18          and for the Commonwealth of Massachusetts, at 952  
19          Tulip Circle, Weston, Florida, on Friday, March 25th,  
20          2022, commencing at 8:59 a.m.

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0002

1   APPEARANCES:

2   MICHAEL I. GOLDMAN, ESQUIRE  
3   Goldman & Hellman  
4   233 Harvard Street, Suite 211  
5   Brookline, Massachusetts 02446  
6   For the Plaintiff

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8

9   MICHELLE M. NIEMEYER, ESQUIRE  
10   Michelle M. Niemeyer, PA  
11   244 Biscayne Boulevard No. 3009  
12   Miami, Florida 33132  
13   For the Defendant

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### 13 EXHIBITS

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16 Exhibit 47 Weather Conditions 12/14-18/19	32

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24 Exhibits Attached

0004

### 1 STIPULATIONS

2 It is stipulated by and between counsel for  
3 the respective parties that the deposition  
4 transcript is to be read and signed by the  
5 deponent under the pains and penalties of  
6 perjury; and that the sealing and filing thereof  
7 are waived; and that all objections, except as to  
8 form, and motions to strike are reserved until  
9 the time of trial.

10 \* \* \*

### 11 CRAIG SETZER,

12 having been duly remotely sworn by the  
13 reporter, was deposed and testified as  
14 follows:

### 15 EXAMINATION

16 BY MR. GOLDMAN:

17 Q. Good morning, Mr. Setzer. Would you please state  
18 your full name, date of birth, and residential  
19 address for the record.

20 A. It is Edwin Craig Setzer. Date of birth is

21 [REDACTED] And I live at [REDACTED]  
[REDACTED] Weston 33327.

22 Q. Okay. Well, my name is Michael Goldman. I'm  
23 from the law firm of Goldman & Hellman, and I

24

0005

1 represent Great Lakes Insurance in this matter  
2 and, as you know, we're here to take your  
3 deposition today.

4 And as Michelle has heard me say several  
5 times now, I have a bit of a speech to give just  
6 to make sure we get everything right and to make  
7 sure that we get a good record.

8 First, we have to obey certain courtesies.

9 We have to work as hard as we can to speak  
10 slowly and clearly and to wait patiently for  
11 everyone to finish and then to speak in our own  
12 turn.

13 Of course, this is even more vital in our  
14 Zoom age.

15 I'll ask you to wait patiently until I'm done  
16 phrasing my question, and I'll do my very best,  
17 of course, to patiently wait for you to give your  
18 full answer.

19 All your answers have to be verbal. You  
20 can't nod your head. You can't say uh-huh. You  
21 can't shrug your shoulders.

22 Please don't guess. If you know the answer,  
23 say so. And if you don't know the answer, just  
24 say so.

0006

1 Similarly, if you don't understand my  
2 question, please don't struggle with it. Ask me  
3 to ask you a better question. It doesn't help if  
4 we get -- if I ask lousy questions, we'll get  
5 lousy answers; and nobody needs that.

6 If at any point you want to take a break,  
7 just ask. It's not meant to be an endurance  
8 test.

9 Is everybody's cell phone off?

10 A. Yes.

11 Q. Turning off my beeps. Just a moment.

12 Mr. Setzer, what's your date of birth?

13 A. October 25th, 1961.

14 Q. Are you married?

15 A. No.

16 Q. Are you employed?

17 A. Not presently.

18 Q. Who was your last employer? Or let me rephrase  
19 that better.

20 When were you last employed?

21 A. My last day of employment was February 1st of  
22 2022.

23 Q. Who was your employer?

24 A. CBS Television Stations.

0007

- 1 Q. Why did you cease being employed there?
- 2 A. New management came in, and we didn't see eye to
- 3 eye on hurricane coverage; and I decided it was
- 4 time to protect my brand and also try some new
- 5 things.
- 6 Q. Excellent. Good luck to you in those.
- 7 A. Thank you.
- 8 Q. Have you ever been a plaintiff or a defendant
- 9 before in any litigation?
- 10 A. No.
- 11 Q. Have you ever been convicted of a crime?
- 12 A. No.
- 13 Q. Have you ever pled guilty to a crime?
- 14 A. No.
- 15 Q. Have you ever pled no contest to a crime?
- 16 A. No.
- 17 Q. Are you a high school graduate?
- 18 A. Yes.
- 19 Q. Where did you graduate from?
- 20 A. Parkway Central Senior High School in
- 21 Chesterfield, Missouri.
- 22 Q. Do you have any post-high school education?
- 23 A. I do.
- 24 Q. What did you do immediately after?

0008

- 1 A. I went to the University of Oklahoma for three
- 2 years pursuing a degree in meteorology.
- 3 Q. Did you get your degree in meteorology?
- 4 A. I did.
- 5 Q. Do you have any formal schooling after the
- 6 University of Oklahoma?
- 7 A. I attended part time St. Louis University for two
- 8 years and then after that, completed my degree at
- 9 Metropolitan State College in Denver.
- 10 Q. What degree did you get there in Denver?
- 11 A. Bachelor of science degree in meteorology.
- 12 Q. What degree did you get from the University of
- 13 Oklahoma?
- 14 A. I didn't get a degree. I was doing coursework at
- 15 the University of Oklahoma.
- 16 Q. Do you have any degrees beyond a bachelor's
- 17 degree?
- 18 A. No.
- 19 Q. Let's turn to what we're going to mark as
- 20 Exhibit 45, which is your curriculum vitae.
- 21 Do you have that in front of you, sir?
- 22 A. Yes, I do.
- 23 Q. Who drafted this document?
- 24 A. I did.

0009

- 1 Q. In the category of your curriculum vitae that  
2 lists professional experience, do any of the  
3 items on those lists involve working aboard a  
4 sailing vessel?  
5 A. No.  
6 Q. Does anything on that list involve even being  
7 present ever on a sailing vessel?  
8 A. On that list, no.  
9 Q. In any of those positions where it says  
10 professional experience, did you ever perform any  
11 evaluation on the handling characteristics or  
12 capabilities of a sailing vessel?  
13 A. No.  
14 Q. Do you know if you were ever even aboard a  
15 sailing vessel at any time between the present  
16 day and the year 2000?  
17 A. Could you rephrase or be more specific on that  
18 question. You dropped that a little bit.  
19 Q. Between the present day and January 1st, 2000,  
20 have you ever even been aboard a sailing vessel?  
21 A. Yes.  
22 Q. When was the last time?  
23 A. The last time was December of 2021.  
24 Q. What vessel were you aboard?

0010

- 1 A. I was aboard a 46-foot Beneteau.  
2 Q. Were you captain, crew, or passenger on that  
3 vessel?  
4 A. I was crew and helmsman and tactician.  
5 Q. Where was the vessel located at that time?  
6 A. Fort Lauderdale.  
7 Q. What was the vessel doing? Or why were you there  
8 with the vessel?  
9 A. I was participating in a near-shore sailboat  
10 race.  
11 Q. What was the distance of the race?  
12 A. Approximately ten miles. However, to start the  
13 race, ten miles was traveled to get to the  
14 starting point.  
15 Q. And what was the name of the race?  
16 A. Hillsborough -- I'm not sure. It was based out  
17 of the Hillsborough Inlet Sailing Club.  
18 Q. How many people were aboard the vessel?  
19 A. Five.  
20 Q. And can you just remind me. I know you already  
21 said it, but can you tell me again what your  
22 position was aboard the vessel.  
23 A. I was the helmsman, tactician, and crew.  
24 Q. What does the tactician aboard a sail vessel

0011

- 1 do?
- 2 A. During a sailboat race, you have to choose  
3 courses or tactical maneuvers to position  
4 yourself better with respect to the other boats;  
5 so the tactician makes decisions on -- as to  
6 where the boat would go.
- 7 Q. What was the weather like that day that you were  
8 on that sailing boat?
- 9 A. It was mostly sunny. The winds were light at the  
10 start, and they became southeasterly averaging  
11 about 10 knots.
- 12 Q. On that day, was your vessel generally sailing  
13 with the wind or against it?
- 14 A. The vessel was sailing on different points of  
15 sail; so for a time, the vessel was sailing  
16 upwind; and then for a time, the vessel was  
17 sailing downwind.
- 18 Q. What was the vessel's maximum speed when it was  
19 sailing upwind?
- 20 A. Upwind, the maximum speed was 7 knots.
- 21 Q. And what was its maximum speed when sailing  
22 downwind?
- 23 A. The downwind speed was approximately 10 knots.
- 24 Q. Was the vessel ever sailing -- and you'll have to

0012

- 1 forgive me, my only experience at sea is aboard  
2 an amphibious assault ship. There was no sailing  
3 involved.
- 4       Was the vessel ever sailing at an angle to  
5 the wind? Neither upwind nor downwind.
- 6 A. Yes.
- 7 Q. And what was its maximum speed when sailing at an  
8 angle to the wind?
- 9 A. The point where it was sailing at an angle to the  
10 wind was when it was rounding a mark; so it never  
11 achieved an optimal speed because it was only on  
12 that crosswind or off-wind point of sail for a  
13 short time, but it was approximately 6 knots.
- 14 Q. Just one moment. And that was in -- did you say  
15 December 2021 you were in that race?
- 16 A. That's correct.
- 17 Q. When were you on a sailing vessel before that?
- 18 A. I believe the time before that was in August of  
19 2021.
- 20 Q. Why were you aboard a sailing vessel?
- 21 A. It was another off-shore race or near-shore race.
- 22 Q. Where was the race?
- 23 A. Same area location approximately.

24 Hillsborough Inlet off of the Broward/Palm

0013

- 1 Beach County Line.
- 2 Q. What was the distance of the race?
- 3 A. Approximately ten miles.
- 4 Q. What kind of vessel were you on board?
- 5 A. I was on a 46-foot Beneteau.
- 6 Q. And what was your role on the vessel?
- 7 A. I was tactician and crew. I did not do any helm work.
- 9 Q. I should have asked this question before, so I'll ask with respect to both incidents, what did you 10 do as crew aboard the vessel, for both?
- 12 A. For crew, it was basically sail trim.
- 13 Q. That's in both cases?
- 14 A. Yes.
- 15 Q. When was the last time you were on a sailboat 16 before that?
- 17 A. I believe it was July of 2021.
- 18 Q. How many times did -- that year were you on board 19 a sailboat?
- 20 A. Probably a total of four, because the sailing 21 last year with the pandemic was somewhat 22 limited.
- 23 Q. On any of those times in 2021, did you sail a 24 vessel single-handed?

0014

- 1 A. When you say single-handed, you mean that I was 2 the sole occupant aboard the vessel?
- 3 Q. Yes, that is what I mean. Thank you for 4 clarifying.
- 5 A. No.
- 6 Q. On any of those times that you were on a sailing 7 vessel in 2021, did you ever sail with only you 8 and one other person aboard?
- 9 A. No.
- 10 Q. On any of those times that you were on a sailing 11 vessel in 2021, did you ever sail beyond the 12 sight of land?
- 13 A. No.
- 14 Q. When was the last time you were on a sailing 15 vessel and sailed beyond the sight of land?
- 16 A. It was probably 2012 when I did a 17 Miami-to-Nassau, Bahamas, race.
- 18 Q. What kind of vessel were you on?
- 19 A. I was on a 58-foot Beneteau.
- 20 Q. How many people were on board the vessel with 21 you?
- 22 A. There was a total of eight.
- 23 Q. And what was your job on the vessel?
- 24 A. I was helmsman and crew.

0015

- 1 Q. What were your responsibilities as helmsman?  
2 A. Maintaining a proper course for the boat; a  
3 proper heading as it would be called; asking for  
4 any sail trim -- in other words, adjustment of  
5 the sail to maintain the efficiency of the  
6 boat -- and to properly steer the boat to keep it  
7 in an optimal course, let's say.  
8 Q. And what was your job as -- serving as crew?  
9 A. I did some sail trim and -- and I think that was  
10 about it. Sail trim.

11 MR. GOLDMAN: Let me pause for just one  
12 moment.

13 (Pause in the proceedings.)

14 BY MR. GOLDMAN:

- 15 Q. Turning to the second page of your resumé,  
16 looking at the section that says Litigation  
17 Expert Witness Experience, in any one of the  
18 cases listed there, did you give an opinion about  
19 the handling characteristics or capabilities of a  
20 sailing vessel?

- 21 A. No.  
22 Q. Did you give an opinion about the effects of  
23 weather on the handling characteristics or  
24 capabilities of a sailing vessel?

0016

- 1 A. No.  
2 Q. Looking below that at Licenses, Endorsements,  
3 Qualifications, and Certifications, can you  
4 describe for me what instruction you received as  
5 part of the US Coast Guard OUPV Captain's license  
6 course.  
7 A. That was the Coast Guard -- the US  
8 Coast Guard-approved class taught by a school  
9 called Sea School in Fort Lauderdale, and it met  
10 the basic requirements to get a -- what's  
11 commonly known as a 6-pack license.

- 12 Q. What is a 6-pack license?  
13 A. Where you can take a vessel for hire but have no  
14 more than six passengers.

- 15 Q. Did you receive any sort of diploma or  
16 certification for completing the course?

- 17 A. I received a diploma; I passed the course.

- 18 Q. Is that the sort of thing -- let me give some  
19 background so you'll understand my question.

20 As a lawyer, I have to take continuing legal  
21 education courses every year or every two years.  
22 Is there anything like that that you have to do  
23 to maintain that license?

- 24 A. For the Coast Guard license, you have -- it's not

0017

1 current.

2 So you have to certify every few years -- I'm  
3 not aware of the time frame -- your sea time; log  
4 your hours at sea.

5 Q. Is your captain's license current?

6 A. No.

7 Q. When did it expire?

8 A. I never completed the captain's portion of it. I  
9 completed the course. I didn't go and get the  
10 license.

11 That's why it says it was a license course  
12 completion. There was no license conferred.

13 Q. Am I correct then that with respect to the next  
14 two items, the auxiliary sail endorsement course  
15 and the auxiliary towing endorsement course, you  
16 completed the course but didn't receive the  
17 certification?

18 A. I didn't receive the license with that.

19 Q. So do you have any current licenses with respect  
20 to those three items on your resumé?

21 A. I do not.

22 Q. Do you have a current private pilot's license  
23 from the FAA?

24 A. I do.

0018

1 Q. When was it last renewed?

2 A. January of 2022.

3 Q. What did you have to do to renew it?

4 A. Fly with a certified flight instructor, get  
5 checked out, and also make my medical -- complete  
6 the medical side of the provision of the license.

7 Q. Is your FAA license for unmanned aircraft systems  
8 current?

9 A. Yes.

10 Q. Can you describe for me what sort of unmanned  
11 aircraft systems?

12 A. Basically just a small drone.

13 Q. What did you have to do to become licensed for  
14 small drones?

15 A. So you have to complete a provision under the FAA  
16 called Part 107, which is the rules and  
17 regulations for drone operation.

18 By being licensed to operate a drone as  
19 opposed to being a recreational flier, you can  
20 fly a drone for hire or for compensation.

21 Q. All right.

22 A. And if I could make one correction for the  
23 record, if you don't mind.

24 Q. Please do.

0019

- 1 A. I may have said the FAA single pilot license was  
2 '22. It was January of 2021. It was last year.  
3 Q. Do they have to be renewed annually?  
4 A. It's every two years. It's biannually.  
5 Q. Thank you for clearing that up. Appreciate it.  
6 At any time in your sailing career, have you  
7 ever sailed on a three-day voyage?  
8 A. Yes.  
9 Q. When was the last time you did?  
10 A. Probably in 2002.  
11 Q. Were you the navigator aboard that vessel?  
12 A. Yes.  
13 Q. Where did you sail from?  
14 A. From Port of Miami to Grand Bahama and then to  
15 the Abacos.  
16 Q. What was the total length of the voyage?  
17 A. The initial leg of the voyage was probably 100  
18 miles. The subsequent legs were within sight of  
19 land, and they were less than a hundred miles.  
20 Q. How long did it take you to traverse that first  
21 leg?  
22 A. Took approximately 12 hours.  
23 Q. What kind of vessel was that?  
24 A. It was a 35-foot Beneteau.

0020

- 1 Q. What were your responsibilities aboard the vessel  
2 as the navigator?  
3 A. I was the ship's owner; so I was responsible for  
4 all of the responsibilities to captain, in this  
5 case, or skipper. I was responsible for  
6 navigation and handling of the vessel.  
7 Q. Did you have any paper charts aboard the  
8 vessel?  
9 A. I did.  
10 Q. Did you have a GPS aboard the vessel?  
11 A. I did.  
12 Q. Before you left, did you make sure that your --  
13 the maps in your GPS were up to date?  
14 A. Because I would do usually an annual update just  
15 so that I knew it was updated, it was probably  
16 updated in the Spring; and the voyage was during  
17 the month of July.  
18 Q. Have you ever sailed on a voyage that long  
19 single-handed?  
20 A. I have not.  
21 Q. Have you ever been deposed in any case that  
22 wasn't listed on your resumé?  
23 A. I have not.  
24 Q. Let me ask it again just to make sure I'm a

0021

- 1 hundred percent sure.  
2 Have you ever been deposed in any case, not  
3 just those where you were testifying as an  
4 expert, but even in cases where you yourself were  
5 a party or just a witness?  
6 A. Like as in a family law matter?  
7 Q. For instance. Not restricted to that, but as an  
8 example, yes.  
9 A. I have been deposed in a family law matter.  
10 Q. Can you tell me what that matter was?  
11 A. It was a divorce.  
12 Q. And I'm guessing yours?  
13 A. Yes.  
14 Q. I'm sorry about that. How long ago were you  
15 divorced?  
16 A. Eleven years ago.  
17 Q. I shouldn't have said I'm sorry. It's none of my  
18 business. Who knows. Excuse me. I apologize  
19 for that.  
20 A. Not necessary.  
21 Q. Before you drafted your conclusions for  
22 Mr. Andersson in this matter, did you do any  
23 research to determine the speed and direction of  
24 the current during Mr. Andersson's voyage?

0022

- 1 A. I did not.  
2 Q. All right. Let's turn to the next exhibit, which  
3 we're going to mark as 46; and it is the one that  
4 says Report of Expert Witness Craig Setzer.  
5 Do you have it before you?  
6 A. I do.  
7 Q. Have you seen this document before today?  
8 A. I have.  
9 Q. Can you tell me what it is.  
10 A. It is the report that meets the Federal Rules of  
11 Civil Procedure 26(a)(2)(B) which I believe is  
12 required disclosures in a federal matter.  
13 I'm not a lawyer; so I may not be saying that  
14 correctly.  
15 Q. Do you know what the Melody's top speed was?  
16 A. I'm sorry. Could you ask that again, please.  
17 Q. Do you know what the Melody's top speed was?  
18 A. I do not.  
19 Q. Do you know what point of sail was Melody's  
20 theoretically fastest point of sail?  
21 A. I do not.  
22 Q. Do you know what the Melody's average speed was  
23 during its trip from Aruba to the  
24 Dominican Republic?

0023

- 1 A. I do not.  
2 Q. Do you know what time the Melody departed Aruba  
3 on December 14?  
4 A. So am I confined to just addressing everything  
5 with respect to this question on Exhibit 46?  
6 Q. Let's enter your report as an exhibit, and you  
7 can refer to that to refresh your recollection  
8 because we're going to go through that as well.  
9 So let's turn to this document that says  
10 Eastern Caribbean Marine Weather Conditions and  
11 mark it as Exhibit 47.

12 Have you ever seen that document before  
13 today?

- 14 A. I have.  
15 Q. Can you tell me what it is?  
16 A. It is my report on the sailing conditions, the  
17 weather conditions, and the sail course  
18 provisions of the case that I'm working on.  
19 Q. Did you draft this report?  
20 A. I did.  
21 Q. You can use this report to refresh your  
22 recollection if you'd like, but can you tell me,  
23 do you remember what time did Melody depart Aruba  
24 on December 14th?

0024

- 1 A. It was in the evening of December 14th.  
2 Q. Between midnight on the 14th -- excuse me,  
3 between the time it departed on midnight on the  
4 14th, do you know what the Melody's maximum speed  
5 was?  
6 A. I do not.  
7 Q. Do you know what its minimum speed was?  
8 A. I do not.  
9 Q. Do you know its average speed over that time?  
10 A. I do not.  
11 Q. Between midnight on the 14th and 5:00 a.m. on the  
12 15th, do you know what Melody's maximum speed  
13 was?  
14 A. I do not.  
15 Q. Do you know what its minimum speed was?  
16 A. I do not.  
17 Q. Do you know what its average speed was?  
18 A. No.  
19 Q. Going back to the first period of time, there's  
20 one more thing I want to ask.  
21 Between departing Aruba and midnight on the  
22 14th, do you know how many miles the Melody  
23 traveled?  
24 A. I'm sorry. Ask that again, please.

0025

- 1 Q. Going back to the first period of time, from the  
2 departure on the 14th until midnight on the 14th,  
3 do you know how many miles the Melody sailed?
- 4 A. I do not.
- 5 Q. Between midnight on the 14th and 6:00 a.m. on the  
6 16th [sic], do you know how many miles Melody  
7 sailed?
- 8 A. I do not.
- 9 Q. Between 6:00 a.m. on the 15th and noon on the  
10 15th, do you know what Melody's maximum speed  
11 was?
- 12 A. No.
- 13 Q. Do you know what Melody's minimum speed was?
- 14 A. No.
- 15 Q. Do you know what Melody's average speed was?
- 16 A. No.
- 17 Q. Do you know how many miles Melody traveled in  
18 that time period?
- 19 A. No.
- 20 Q. Between noon on the 15th and 6:00 p.m. on the  
21 15th, do you know what Melody's maximum speed  
22 was?
- 23 A. No.
- 24 Q. Do you know what Melody's minimum speed was?

0026

- 1 A. No.
- 2 Q. Do you know what Melody's average speed was?
- 3 A. I do not.
- 4 Q. Do you know how many miles Melody traveled in  
5 that time period?
- 6 A. I do not know.
- 7 Q. Is there any period of time during the voyage  
8 until its termination in the Dominican Republic  
9 that you can tell me Melody's maximum speed?
- 10 A. No.
- 11 Q. Is there any period of time during that voyage  
12 that you can tell me Melody's minimum speed?
- 13 A. No.
- 14 Q. Is there any period of time during that voyage  
15 that you can tell me Melody's average speed?
- 16 A. No.
- 17 Q. Is there any period of time on that voyage that  
18 you can tell me how many miles Melody traveled?
- 19 A. No.
- 20 Q. What time did Melody run aground in the  
21 Dominican Republic?
- 22 A. During the evening of the 17th.
- 23 Q. On a voyage from Aruba to the Dominican Republic,  
24 how many miles would a vessel have to travel to

0027

- 1       keep within the navigational limits permitted by  
2       Mr. Andersson's policy?  
3       A. Approximately 610.  
4       Q. Based on your expert knowledge and opinion, is  
5       there any reason that Mr. Andersson's vessel  
6       could not have sailed back to Aruba?  
7       A. I am unaware of any reason.  
8       Q. Based on your expert knowledge and opinion, is  
9       there any reason that Mr. Andersson's vessel  
10      could not have sailed to Curacao?  
11      A. Based on the angle of the wind, it would have  
12      been a more difficult point of sail.  
13      Q. Would it have been possible?  
14      A. Yes.  
15      Q. Based on your expert knowledge and opinion, is  
16      there any reason that Mr. Andersson's vessel  
17      could not have sailed to Bonaire?  
18      A. Again, it would have been a more difficult point  
19      of sail.  
20      Q. Would it have been possible?  
21      A. Yes.

22            MR. GOLDMAN: Michelle, if you don't mind,  
23            I'm going to take five minutes, use the head,  
24            look over my notes, and then we will continue.

0028

- 1           Everyone okay with a break?  
2           MS. NIEMEYER: Yes, that's fine.  
3           (Recess was taken from 9:31 a.m. until 9:37 a.m.)  
4       BY MR. GOLDMAN:  
5       Q. Are you aware of any facts on the record  
6       indicating that Mr. Andersson's vessel ever  
7       reached a speed of 8.3 knots?  
8       A. No.  
9           MR. GOLDMAN: That's all I have for today.  
10          This deposition is done.  
11          Michelle.  
12          MS. NIEMEYER: Okay. I have some follow-up  
13          questions.

- 14          FURTHER EXAMINATION  
15       BY MS. NIEMEYER:  
16       Q. Hold on. And so I will not forget, I'm going to  
17       ask the follow-up right now to the last question,  
18       which is are you aware of any evidence that the  
19       vessel did not reach or exceed a speed of 8.3  
20       knots?  
21       A. No.  
22       Q. Okay. I'm going to go back to there were some  
23       questions about your Coast Guard license courses  
24       and whether you obtained the Coast Guard license.

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1 Is there any reason to obtain a Coast Guard  
2 license if you have no intention to use your  
3 business -- your boat for business purposes to  
4 take passengers for hire?

5 A. No. I took the Coast Guard class just to better  
6 my knowledge of navigation, boat -- boating  
7 environments; just to -- just to increase my  
8 awareness of the necessities of being a boater.

9 Q. Okay. So -- so it was a -- an extra level of  
10 knowledge that you obtained in your sailing  
11 skills; correct?

12 A. That's correct.

13 Q. And I want to ask, because it wasn't asked, about  
14 your sailing skills.

15 Do you -- you talked a little bit about the  
16 races you had sailed particularly in this recent  
17 time which has been limited by the COVID  
18 epidemic.

19 How many years have you been sailing on  
20 offshore sailboat races?

21 A. So the first crew offshore, which would be a  
22 passage where you go from one point out of the  
23 sight of land to another point, began in 2001  
24 when I would take the vessel into international

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1 waters from -- my vessel from Miami to Bimini;  
2 but I did sailboat racing starting in 1996 in the  
3 Tampa Bay area.

4 Q. And were you regular crew on sailboats?

5 A. I was, and I felt that the best way to learn  
6 the -- how to better handle a sailboat was to  
7 race it, because then you could optimize the  
8 performance; you learned about many different  
9 conditions because, as opposed to some sailors,  
10 you go no matter what the weather if there's a  
11 race, and so you learn in varying conditions.

12 Q. Had you done offshore races where -- where the  
13 vessel was taking long passages with people  
14 sleeping; that kind of thing?

15 A. Yes.

16 Q. And how many races like that would you say you've  
17 done?

18 A. I've probably done a half a dozen.

19 Q. Okay. And have you ever done a -- a delivery or  
20 some kind of passage like that that doesn't have  
21 the full contingent of crew a racing sailboat  
22 would have?

23 A. Yes.

24 Q. When have you done those?

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- 1 A. I've done some deliveries from Key West back to  
2 Miami and just a return voyage from the Bahamas  
3 to Miami.  
4 Q. Okay. And what's your understanding about the --  
5 the minimum number of sailors necessary on a boat  
6 to toggle offshore?  
7 A. I don't have a -- an understanding. I don't know  
8 that there is a set rule or anything that I'm  
9 aware of.

10 The previous owner to my boat single-handed  
11 the boat throughout much of the Caribbean.

- 12 Q. Okay. Now, you were asked some questions about  
13 whether you had knowledge of the specific speed  
14 the vessel was going, an average speed the vessel  
15 was going, et cetera, during specific time  
16 frames; and did you review the deposition of  
17 Mr. Andersson, the plaintiff in this case?

- 18 A. I did.

- 19 Q. Okay. And you understand he was asked those  
20 kinds of questions.

21 In your experience with -- as a sailor, would  
22 you know the answers to those questions?

- 23 A. I don't think I would know the answer with the  
24 granularity to which the questions were being

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1 asked.  
2 I would have an approximation of the boat's  
3 characteristics and its approximate speeds at  
4 different points of sail given different  
5 conditions.

- 6 Q. Okay. And you gave an estimate -- or you gave an  
7 opinion that you believed that it's possible that  
8 the vessel, in this case the 47-foot Catana  
9 catamaran, could have sailed in compliance with  
10 the navigational limits that are in the insurance  
11 policy; correct?

- 12 A. That's correct.

- 13 Q. Does your opinion give your best estimate based  
14 on the conditions, the characteristics of the  
15 boat, and the testimony that you were able to  
16 review?

- 17 A. Yes.

18 MS. NIEMEYER: Okay. I have no further  
19 questions.

20 MR. GOLDMAN: That was great. Let's call it  
21 a day.

22 (Setzer Exhibits Nos. 45-47 were marked for  
23 identification.)

24 (Conclusion of proceedings at 9:43 a.m. this date.)

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1                   CERTIFICATE

2       I, Karen D. Pomeroy, a Registered Diplomate  
3     Reporter and Notary Public in and for the  
4     Commonwealth of Massachusetts, do hereby certify that  
5     Craig Setzer, the witness whose deposition is  
6     hereinbefore set forth, was duly sworn by me and that  
7     such deposition is a true and accurate record, to the  
8     best of my knowledge, skills and ability, of the  
9     testimony given by such witness.

10      I further certify that I am not related to any of  
11     the parties in this matter by blood or marriage and  
12     that I am in no way interested in the outcome of this  
13     matter.

14      IN WITNESS WHEREOF, I have hereunto set my hand  
15     and affixed my seal of office this 30th day of March,  
16     2022.

17

18

19

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Notary Public

20

21     My Commission expires:  
22     June 13, 2025

23

24

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1                   ERRATA SHEET

2       CHANGES TO THE DEPOSITION OF CRAIG SETZER  
3     INSTRUCTIONS TO WITNESS: 1) Please note any desired  
4     corrections to your testimony by page and line  
5     number. 2) Enter text as it appears in the  
6     transcript. 3) Enter text as it should appear.

7

PAGE	LINE	CORRECTION
8	_____	_____
9	_____	_____
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16	_____	_____

17

I, Craig Setzer, do hereby certify that I have  
read the foregoing transcript of my testimony, and I  
further certify that said transcript is a true and  
accurate record of said testimony.

21        Dated at \_\_\_\_\_, this \_\_\_\_ day  
22    of \_\_\_\_\_, 20\_\_\_\_.  
23

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24 Craig Setzer